

**BRS Rural Advocacy Group
Central Texas Communications, Inc.
WT Docket No. 03-66**

Who We Are

The BRS Rural Advocacy Group and Central Texas Communications, Inc. are **rural** BRS/EBS operators providing MVPD service to sparsely-populated, underserved areas of the country.

Why We Are Here

We have participated in this proceeding as independent advocates for a self-effectuating transition “**opt-out**” process that would allow certain rural BRS/EBS systems to preserve their existing operations. We also support the “opt-out” proposal advanced by the Coalition. **The Group and CTC now combine and modify their proposals to simplify the “opt-out” process and address opponents’ concerns.**

Combined and Modified “Opt-Out” Proposal

In addition to the two criteria proposed by the Coalition, the new Group/CTC proposal would permit a BRS/EBS licensee or its affiliate to “opt out” of a transition if:

- (a) the center of its geographic service area (“GSA”) (*i.e.*, the site of its main transmitter) is located in a county that is a defined “rural area” under FCC rules; *and*
- (b) (i) it is part of system that provides MVPD and/or broadband service to more than 15 percent of the households within that “rural area” as of October 7, 2002; *or* (ii) it is part of a system that provides MVPD service to at least 500 customers as of October 7, 2002; *or* (iii) it is part of system composed of at least 20 collocated analog BRS/EBS channels that provides MVPD service (as few as 11 channels if the licensee can demonstrate that channels were not available because of the 1995 EBS filing “freeze”). Licensees collocated with a licensee meeting any of the above criteria also would be eligible to “opt out.”

Benefits of Proposal

- recognizes that a narrowly-defined class of rural systems have achieved critical mass in customers, competitiveness and/or channels, and permits such qualifying systems to avoid draconian results such as channel loss, transition expense and shift in business objectives (from video to other services) if forced to transition
- minimizes effect on nearby systems that want to transition by requiring the center of the GSA to be in GSA (rather than within GSA boundary, as initially proposed)
- replaces case-by-case waiver process with self-effectuating process that is easy to administer and relies on information that can be readily determined and verified without FCC involvement
- eliminates administrative burdens, delays, uncertainty and “line-drawing” associated with case-by-case consideration of waiver requests, and encourages cooperation between proponents and rural licensees during transition planning
- preserves low-cost competitive alternative to high-cost DBS video service, which often is the only other MVPD serving rural areas, and “greenfield” broadband service
- allows rural systems to engage in long-range business planning critical to their vitality and to maximize investment opportunities

Other Proposals Supported by the Group and CTC

- as proposed by the vast majority of participants, change the transition area from MEAs to BTAs
- as proposed by the Coalition and others, confirm that AWS auction winners will be responsible for BRS-1 and BRS-2 relocation expenses
- as proposed by the Coalition, require transition proponents to cover reasonable costs of minor technical modifications that MVPDs would incur to help facilitate transitions in nearby markets
- as proposed by the FCC, adopt a “self-transition” period that would include the right of a licensee to exchange analog spectrum for comparable digital spectrum in the MBS with financial support of auction winner for LBS and UBS